**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5286 OF 2006

Ananta Sakaharam Patil .. Petitioner.
Vs.
Bhiwandi Nizampur City
Municipal Corporation, Bhiwandi .. Respondent.

Mr.T.K.Sinha for the petitioner.

**CORAM : D.B.BHOSALE, J.**

**DATED : 18TH SEPTEMBER, 2006**

P.C.:

. Heard learned counsel for the petitioner.

2. This writ petition is directed against the concurrent findings recorded by the courts below in the proceedings arising from Exhibit-5 application seeking temporary injunction against the respondent-defendant. I perused the order passed by the appeal court and in particular paragraphs 8 and 9 thereof. In my opinion, the order does not suffer from any infirmity warranting interference by this court under Article 227 of the Constitution of India. Mr.Sinha, learned counsel for the petitioner expressed apprehension that if the petitioner-plaintiff's house is demolished by the respondent-defendant then he would not be able to establish that the house was

standing at the place which they intend to take possession of and in that case he would not be able to claim compensation from the respondents. The apprehension is misconceived. It is always open for the petitioner, if he so desires, to request the concerned authority for drawing panchnama before they take action of demolition. If the petitioner makes such application to the concerned authority, it may be conceeded to and the panchnama of the structure, if any, owned by the petitioner may be drawn before demolition.

. With these observations the writ petition is disposed of.

**(D.B.Bhosale, J.)**